

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39953 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Nand Ram Singh @ Nand Rai Son of Rautan Singh, Resident of Village -
Aurangpur Kagaraul, P.S.- Kagaraul, District - Agra, State - Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 10-06-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned APP appearing on behalf of
- the State.
2. The petitioner seeks bail in connection with
- Motihari Town P.S. Case No. 175/2024 registered for
- the offence under Section 30(a) of Bihar Prohibition And
- Excise Act.
3. The accused/petitioner is named in the F.I.R.
- and is in custody since 22.03.2024.
4. The allegation against the petitioner is to
- have in possession of 21 litres of country made liquor



and also involved in related trade.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of country made liquor was to be made from trolley bag, which not appears to be connected in any manner with petitioner, who is a man of clean antecedent. It is submitted that the factual background of the recovery is not suggesting *prima facie* that recovery was made from conscious physical possession of this petitioner. It is submitted that seizure list is also appears disputed being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor *prima facie* appears doubtful from conscious physical possession of



this petitioner, where seizure list also appears *prima facie* disputed being not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.03.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Motihari Town P.S. Case No.175/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, East Champaran at Motihari, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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